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Total Number of Pages in This Submission

Application Number 10/065,477

Filing Date October 22, 2002

First Named Inventor Werner Diez, et al.

Art Unit 2875

Examiner Name Bertrand Zeade

Attorney Docket Number SCH-00106

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

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Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

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**Remarks**

Applicant believes no fee to be due for the attached filing, however, should additional fees be due in order to prevent the abandonment of this application, please consider this as authorization to charge Deposit Account No. 500906 (Schefenacker Vision Systems USA Inc.) for any such fees due.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Warn, Hoffmann, Miller &amp; LaLone, P.C.

Signature



Printed name

Philip R. Warn

Date

June 29, 2005

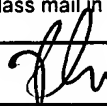
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June 29, 2005

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Effective DATE 08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) **620.00**

### Complete if Known

Application Number	10/065,477
Filing Date	October 22, 2002
First Named Inventor	Diez, et al.
Examiner Name	Bertrand Zeade
Art Unit	2875
Attorney Docket No.	SCH-00106

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: **500906** Deposit Account Name: **Schefenacker Vision Systems USA Inc.**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims** - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of total claims paid for, if greater than 20.  
**Indep. Claims** - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

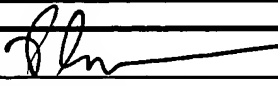
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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#### 4. OTHER FEE(S)

Description	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	500.00
Other (e.g., late filing surcharge): <b>Appeal Brief &amp; 1 month extension</b>	120.00

#### SUBMITTED BY

Signature		Registration No. 32775 (Attorney/Agent)	Telephone (248) 364-4300
Name (Print/Type)	Philip R. Wam	Date June 29, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. 10/065,477  
Filing Date: October 22, 2002  
Applicant: Werner Diez, et al.  
Group Art Unit: 2875  
Examiner: Bertrand Zeade  
Title: INTERIOR LIGHT ASSEMBLY FOR VEHICLES,  
ESPECIALLY FOR MOTOR VEHICLES

Attorney Docket: SCH-00106

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF**

Sir:

This is an Appeal Brief in response to the Examiner's Final rejection mailed November 3, 2004 rejecting claims 1-9. A Notice of Appeal was filed on March 31, 2005. This Brief is being timely submitted with a one month extension by June 30, 2005. The Appeal Brief is submitted in triplicate. Any needed extension of time is hereby requested with the filing of this document.

07/06/2005 ZJUHR1 00000008 500906 10065477

01 FC:1251 120.00 DA

07/06/2005 ZJUHR1 00000008 500906 10065477

02 FC:1402 500.00 DA

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### **Real Party in Interest**

The Real Party in Interest is Schefenacker Vision Systems Germany, GmbH & Co. KG, a German corporation, having a place of business at Eckenerstraße 2, 73730 Esslingen, Germany is the Assignee of Record, at Reel 013187, Frame 0879.

### **Related Appeals and Interferences**

There are no related Appeals or Interferences in the subject application.

### **Status of Claims**

In response to the Applicants response to Office Action mailed July 15, 2004, claims 1-9 are pending in the application and have been finally rejected.

### **Status of Amendments**

No Amendments have been filed in response to the Final Office Action.

### **Summary of the Invention**

The present invention is directed to an interior light assembly for a motor vehicle. See ¶ [0002]. The light assembly has a frame (1) having frame opening filled out by at least one lens (2, 3). See Figs. 1-4; ¶s [0014-0015]. At least one illumination element (9) and at least one electroluminescent film (11, 12) are arranged within the frame opening behind the at least one lens (2, 3). See Fig. 4, ¶s [0018-0019]. Light emitted by the at least one illumination element (9) and at least one electroluminescent film (11, 12) passes from the interior through the at least one lens arranged in the frame opening for illuminating a vehicle interior.

See ¶s [0007], [0019-0020]. The electroluminescent film (11, 12) attaches to the at least one lens (2, 3) and faces the interior of the light assembly. See Fig. 4; ¶ [0019]. The contour of the electroluminescent film (11, 12) and the lens (2, 3) are identical. See Fig. 4; ¶ [0014].

### **Statement of the Issues Presented**

Whether claims 1-9 are rendered obvious under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,286,983 to Macher, et al. (hereafter Macher) in view of U.S. Patent No. 6,501,387 to Skiver et al. (hereafter Skiver).

### **Grouping of the Claims**

Claims 1 through 6 stand or fall individually.

Claims 7-8 stand or fall with claim 5

Claim 9 will stand or fall with claim 1.

### **Arguments**

#### **I. Claim 1**

Claim 1 was rejected under 35 USC §103(a) as being unpatentable over Macher in view of Skiver. The Office Action maintained that Macher discloses:

...a frame (34) having a frame opening and defining an interior of the interior light assembly, at least one lens (Col. 4, Lines 51-54) connected to the frame (34) and filling out the frame opening. At least one illumination element (4) and at least one EL film (5) arranged within the area of the frame opening behind the at least one lens (Col. 4, Lines 51-54) in the interior of the interior light assembly (1), so that the light emitted by the at least one illumination (5) and the at least one electroluminescent film (5) passes from the interior through the at least one lens arranged in the frame opening for illuminating a vehicle interior.

The Office Action further indicated that Macher did not disclose using both an electroluminescent film and one illumination element as recited in claim 1, however Skiver disclosed using multiple lighting sources (EL, LED, incandescent) for interior vehicle lighting.

The issue in the present Appeal is whether or not the proposed combination of references are properly combinable, or has the Examiner impermissibly used hindsight in formulating the rejection. Applicant argues that the proposed combination of Macher in view of Skiver are not properly combinable. Applicant contends that the proposed combination of references fails because there is no basis in the art for combining or modifying the references to arrive at the claimed invention. Skiver also does not teach or suggest an electroluminescent film for illuminating the interior of the vehicle, rather it shows an electroluminescent film for illuminating indicia or icons. Modifying Skiver would destroy the objectives of using the electroluminescent film. Lastly, despite Applicant's past arguments the Examiner still has not provided evidence of where the proposed combination of references teach or suggest "a frame having a frame opening and defining an interior of the interior light assembly;" See Appendix A, claim 1.

It has been stated that "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination." *In re Geiger*, 815 F.2d at 688, 2 USPQ2d at 1278 (Fed Cir. 1987), *citing ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Applicant maintains that there is no basis in the art for arriving at the claimed invention.



The office action stated that Macher at Col. 4, Lines 51-54 shows at least one illumination element (4) and at least one EL film (5) arranged within the area of the frame opening behind the at least one lens. However, this is not the case because Macher does not teach or suggest using an "at least one electroluminescent film" and "at least one illumination element". Nor does Macher teach or suggest arranging these structures behind "at least one lens". Macher clearly has only one lighting element in the form of an electroluminescent film. See Macher at Col. 4, lines 33-38. Macher at most teaches a single illumination element located behind a single lens and does not teach or suggest modifying or combining it with another reference to have both an illumination element and electroluminescent film arranged behind a single lens. Applicant maintains that Skiver does not resolve these deficiencies.

With regard to Skiver, the Examiner made reference to col. 13, lines 31-35 of Skiver as showing that one of the lenses (42b/39b) is correlated with an electroluminescent film and an illumination element. This text portion of Skiver relates only to the display module (element 20, 52) that may comprise a light emitting source that can be an LED or and EL film. The electroluminescent film is not correlated with any of the lenses mentioned by the Examiner but only with the display module 20, 52 that displays information in the form of alpha- numeric indicia or symbolic or graphical indicia, such as icons, including for example passenger safety information (see col. 9, lines 40ff). Thus Skiver does not teach or suggest an electroluminescent film and an illumination element arranged behind at least one lens as recited in claim 1 of the present application. Neither Macher or Skiver have a basis for being combined in a manner that will render claim 1 obvious, therefore the rejection must be removed. *In re Geiger*, 815 F.2d

at 688, 2 USPQ2d at 1278 (Fed Cir. 1987). See also *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Additionally, Applicant points out that modifying Skiver in the way the Examiner suggests would destroy the objectives set forth in the Skiver specification. The purpose or function of Skiver as set forth in the specification is to illuminate various indicia and to reduce the light output under nighttime conditions. The Office Action stated the "Skiver ('387) discloses using multiple lighting sources (EL, LED, incandescent) for interior vehicle lighting." In making a 35 USC §103(a) rejection it is impermissible to rely on a reference where the purpose or function of the invention disclosed in the reference would be destroyed if the invention were modified to render the claims of the present application obvious. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). In *Gordon* the federal circuit observed that if the prior art filter-separator were inverted in order to render the applicant's claims obvious, the reference filter would become impenetrable and fluid would be trapped rather than separated.

In the present case, if the electroluminescent elements of Skiver were modified to illuminate the interior of a vehicle, then the objective of providing illuminated icons and other forms of indicia See Skiver at Col. 13, lines 31-44 would be destroyed since the intensity of light required to illuminate the vehicle interior would be so great that it would destroy the ability to read the icons or indicia, especially at night. Furthermore, there is nothing in Skiver that teaches or suggests using the electroluminescent film for illuminating the interior of the cabin. In fact the specification of Skiver suggests the opposite stating:

"[i]n addition, the control adjusts the light intensity emitted by the light source to provide an indicia for displaying to an occupant of the vehicle at the display area having a luminous intensity of at least about 100 candelas/sq. meter when the light sensor detects an ambient light level characteristic of a daytime condition or having a luminous intensity of no greater than about 50 candelas/sq. meter when the light sensor detects an ambient light level characteristic of a nighttime condition." Skiver Abstract. See also Col., lines 45ff.

This supports Applicant's argument that Skiver does not teach or suggest an electroluminescent film that illuminates the interior of the vehicle. In fact Skiver teaches away from brighter intensity illumination at night, which is necessary for illumination of a vehicle interior. Altering Skiver to illuminate the vehicle interior would clearly depart Skiver's objective, therefore, the rejection should be withdrawn. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Furthermore it has been held that an absence of a teaching or suggestion in Skiver to illuminate the interior of the vehicle suggests that the Examiner has impermissibly used "hindsight" by using the Applicant's teaching as a blueprint to hunt through the prior art for the claimed elements and to combine them as claimed. *In re Zirko*, 111 F.3d 887, 42 USPQ 2d 1476 (Fed. Cir. 1997).

Applicant also argues that the Examiner's obviousness rejection still lacks support for rendering obvious the portion of claim 1 that states "a frame having a frame opening and defining an interior of the interior light assembly". The Final Office Action again continued to refer to element 34 in Macher as being the frame of the light assembly. Element 34 in the Macher patent is directed to a vehicle frame and not the frame of the light assembly. (See Macher at Col. 5, Lines 45-46). Claim 1 of the present application in pertinent part indicates that the frame has an opening that defines the interior of the light assembly and there is at least one lens that is connected to the frame and fills out the frame opening.

The vehicle frame 34 of Macher does not fulfill these requirements and for this reason alone the rejection of claim 1 by Macher in view of Skiver should be overcome.

## **II. Claim 2**

The Final Office Action rejected claim 2 stating that Macher shows "...at least one electroluminescent film (5) is attached to a backside of at least one lens facing the interior of the interior light assembly (1)". Thus, the Office Action argued that Macher teaches or suggests all of the elements of claim 2. Claim 2 is dependent upon claim 1, therefore Applicant incorporates by reference all of the arguments with respect to claim 1.

Applicant further argues that claim 2 is independently allowable in view of the proposed combination of Macher in view of Skiver. Applicant maintains that Macher in view of Skiver does not teach or suggest all of the elements of claim 2 in the manner suggested by the Examiner. Macher in Fig. 1 shows an electroluminescent film (5) that is connected over the entire surface of the light assembly by way of an intermediate layer (6) and a carrier film (7). See Macher at Col. 4, Lines 35-38. The lens structure is defined in Macher as being the covering layer (13). See Macher Col. 4, Lines 48-58. Macher does not teach or suggest an electroluminescent film attached to the backside of the at least one lens as stated in claim 2 of the present application. Instead Macher at most teaches or suggests an electroluminescent film attached to the backside of an intermediate layer (6) and a carrier film (7). See Macher at Fig. 1. Applicant further maintains that the portion of claim 2 that states "...facing the interior of the interior light assembly" is also not taught or suggested by Macher. The electroluminescent film (5) in Macher does not face the interior of the light

assembly, but rather faces the exterior of the light assembly. In pertinent part the specification of Macher states “[o]n an upper side 9 facing the film 5, the carrier film 7 has a surface structure which forms reflectors 10, which reflect the light beams emerging from the film 5.” Macher at Col. 4, Lines 40-43. The foregoing passage from Macher indicates that the beams of light emitted from the electroluminescent film (5) are directed toward the upper side (9). The beams of light are not directed toward the interior of the light assembly, therefore, the electroluminescent film is not facing the interior light assembly as required by claim 2 of the present application.

For the above reasons, Macher does not teach or suggest all of the elements of claim 2 of the present application. The Skiver reference does not resolve these deficiencies since there is nothing in Skiver that teaches or suggests at least one electroluminescent film attached to the backside of at least one lens facing the interior of the light assembly as claimed in claim 2 of the present application. For these reasons Applicant maintains that claim 2 of the present application cannot be rendered obvious by the proposed combination of Macher in view of Skiver. Therefore Applicant requests that the rejection be removed.

### **III. Claim 3**

The final Office Action rejected claim 3 stating that “[r]egarding claim 3 the at least one electroluminescent film (5) has a contour identical to a contour of the at least one lens (Col. 4, Lines 51-54).” Claim 3 is dependent upon claim 1, therefore Applicant incorporates by reference all of the arguments with respect to claim 1.

Applicant further argues that claim 3 is independently allowable in view of the proposed combination of Macher in view of Skiver. A review of the specification and drawings of Macher does not show the feature of the contour of the electroluminescent film being identical to the contour of the at least one lens as presented in claim 3 of the present application. Fig. 1 of Macher shows an electroluminescent film (5) that has a U-Shape, with a transparent cover layer (i.e., a lens) shown at (13). The lens (13) is a flat planar layer that does not match the U-Shaped contour of the electroluminescent film (5) shown in Fig. 1. Additionally, the portion of the specification cited in the Final Office Action that states:

[t]his covering layer 13, depending on the light effects required, can be provided on a surface 14, 15 facing, or facing away from the film (5), with coatings for scattering or focusing the traversing light beams. Such coatings can be provided with crystal particles or a surface structure can be provided which forms a lens structure covering the entire surface. For further protection of the lighting element 4, there may preferably disposed on a front surface 15 of the covering layer 13 a further protective layer 17, e.g. space of transparent, break-resistant resiliently reversible plastic." Macher Col. 4, Lines 48-58.

There is nothing in the foregoing passage, which was cited by the Examiner in the Office Action, that teaches or suggests the contour of the lens and the electroluminescent film being identical. Therefore Macher does not teach or suggest this particular feature of the claimed invention. Furthermore there is nothing in Skiver that teaches or suggests the contour of the electroluminescent film of Skiver being identical to the contour of a lens associated with the electroluminescent film, therefore, the proposed combination of references must fall since there is no support for rendering claim 3 of the present application obvious. The rejection of claim 3 should be removed.

#### **IV. Claim 4**

The Office Action rejected claim 4 stating that “regarding claim 4, the frame (34) surrounds the at least one lens (Col. 4, Lines 51-54).” Claim 4 is dependent upon claim 1, therefore Applicant incorporates by reference all of the arguments with respect to claim 4.

Applicant further argues that claim 4 is independently allowable in view of the proposed combination of Macher in view of Skiver. Applicant maintains that Macher does not teach or suggest a frame surrounding the at least one lens. The Office Action indicated that Col. 4, Lines 51-54 of Macher teach or suggest this feature, however, this passage of Macher is reproduced above in Applicants response to the rejection of claim 3. This passage does not address a frame element, much less a frame element (34). In past Office Actions Applicant has repeatedly emphasized that element 34 in Macher is directed to a vehicle frame and not the frame of the load assembly, as taught by Macher at Col. 5, Lines 45-46. A review of both the Macher and Skiver references does not teach or suggest all of the elements of claim 4, therefore, Applicant respectfully requests removal of the rejection since there is no evidence in the references to support the proposed combination in such a manner that will render claim 4 obvious.

#### **V. Claim 5**

Applicant submits that claim 5 is ultimately dependent upon claim 1 and would be allowable by virtue of its dependency upon independent claim 1. Applicant also maintains that claim 5 is patentable over Macher in view of Skiver. The Final Office Action rejected dependent claim 5 by Macher in view of Skiver. The Final Office Action stated “[r]egarding claim 5, a first one of the at least one lens (42b) is correlated with the at least one illumination element (col. 13, lines

31-35) and a second one of the at least one lens (42b/39b) is correlated with the at least one electroluminescent film.” The Final Office Action responded to Applicant’s previous arguments stating that “Skiver et al. does not cite in (Col. 15, lines 55ff) two separate light assemblies, but a pair of light assemblies.”

Addressing the Final Office Action’s rejection of claim 5, Applicant argues that the rejection fails because Skiver fails to teach or suggest “a first one” correlated with the “at least one illumination element” and “a second one” correlated with the “at least one electroluminescent film” as presented in dependent claim 5 of the application. Applicant points out that the cover 39b of Skiver belongs to a light sensor, which is positioned in hollow socket 39 having a rearward opening 39a in a back wall 38 of case 12. See Skiver at Col. 8, lines 42ff. The lens cover 39b is positioned in the socket so that the light sensor detects the light level outside the vehicle. The lens cover 39b has nothing to do with an illumination element or the electroluminescent film. The lens cover 39b is used to cover the sensor, the Skiver specification does not teach any further use.

The Final Office Action indicated that Skiver shows a pair of light assemblies. Since it has been established above that lens cover 39b has nothing to do with the electroluminescent element, it appears that the Examiner is saying that Skiver teaches a pair of light assemblies (42) that teach or suggest “a first one” correlated with the “at least one illumination element” and “a second one” correlated with the “at least one electroluminescent film” as presented in dependent claim 5 of the application. Light assemblies (42) are defined in the specification as providing “light for the interior of the vehicle and may comprise map lights or dashboard illumination lights.” Col. 15, lines 59-61. The light sources taught by Skiver for use in the light assemblies (42) are various types of



diodes and other lights that are not electroluminescent films. Col. 16, lines 28-45. Therefore, Applicant still maintains that there is nothing in the specification of Skiver that teaches or suggests both an illumination element and an electroluminescent element.

The electroluminescent film in Skiver is not correlated with any of the lenses or light assemblies mentioned by the Examiner. Rather the film is correlated with the display module 20, 52 that displays information in the form of alpha-numeric indicia or symbolic or graphical indicia, such as icons, including for example passenger safety information (see col. 9, lines 40ff). The proposed combination of Macher in view of Skiver as it pertains to claim 5 will fall. In making a 35 USC §103(a) rejection it is impermissible to rely on a reference where the purpose or function of the invention disclosed in the reference would be destroyed and able to render the claims of the present application obvious. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). In the case of Skiver the purpose of the electroluminescent film would be destroyed if it were correlated with the light assemblies.

## **V. Claims 6**

The Final Office Action rejected claim 6 of the present application by citing evidence in Skiver as supporting the proposed combination that would render claim 5 obvious. Applicant argues that in order for Skiver to render claim 6 of the present application obvious, Skiver, must teach or suggest a first lens associated with at least one illumination element and a second lens associated with at least one electroluminescent film. The Final Office Action indicated that elements 42b and 39b teach or suggest the two lenses. Applicant disagrees. Applicant points out that cover 39b of Skiver belongs to a light sensor, which is positioned in a

hollow socket 39 having a rearward opening 39a and a back wall 38 of case 12. See Skiver at Col. 8, Lines 42ff. The lens cover 39b has nothing to do with an illumination element or the electroluminescent film. Thus Skiver does not render claim 6 of the present application obvious since it fails to teach or suggest a first lens associated with an illumination element and a second lens associated with at least one electroluminescent film. The Skiver reference must teach or suggest this particular feature before it can render obvious the claimed limitation of making the first lens smaller than the second lens. Therefore, Applicant respectfully requests removal of the rejection since there is not support in the proposed combination for rendering claim 6 obvious. Furthermore the Macher reference does not teach or suggest this feature since Macher only teaches or suggests a single illumination element in the form of an electroluminescent film. See Macher Fig. 1 reference number 5.

**VII. Claims 7- 8**

Claims 7 and 8 ultimately dependent from claim 5, therefore, these claims will be allowable by virtue of their dependency upon claim 5.

**VIII. Claim 9**

Claim 9 of the present application is dependent upon claim 1, therefore, claim 9 will be allowable by virtue of its dependency upon claim 1.

**Conclusion**

When the teachings of Macher in view of Skiver are combined they do not render the claims of the present application obvious. The references do not teach or suggest all of the elements of the claims. The Final Office Action did not provide any relevant evidence to suggest any basis for combining the references.

Also the objectives of the secondary Skiver reference would be destroyed if the reference were modified in the manner suggested by the Examiner. Applicant argues that the Examiner has impermissibly used hindsight in rendering claims 1-9 of the application obvious.

The primary reference Macher does not teach or suggest an electroluminescent film and an illumination element arranged behind at least one lens. Furthermore there is nothing in Macher that teaches or suggests modifying the reference to show such a feature. The Final Office Action continued to rely on element 34 of Macher as teaching or suggesting the frame element as used throughout the claim set. This is clearly incorrect since element 34 in Macher is directed to a vehicle frame.

The secondary Skiver reference was relied upon for teaching an electroluminescent film and an illumination element arranged behind one lens. To the contrary the electroluminescent film in Skiver is used for the purpose of illuminating icons and other forms of indicia. See Skiver at Col. 13, lines 31-44. If the electroluminescent film or Skiver were modified to illuminate a vehicle interior then the purpose of illuminating icons and other forms of indicia at night or during the day would be destroyed because the intensity of light required to illuminate the vehicle interior would be too great. Additionally the electroluminescent film in Skiver is not correlated with any of the lenses or light assemblies mentioned in the Final Office Action. The light assemblies identified in the Final Office Action as being a pair of light assemblies still do not teach or suggest one of the light sources being an illumination element and one of the light sources being an electroluminescent element. Such a modification to Skiver would destroyed the objective of the electroluminescent film used in the Skiver

invention. For all of the above reasons this reason the rejection of the claims should be removed and this case should move to allowance.

Please send all future correspondence relating to this application to Warn, Hoffmann, Miller & LaLone, P.C., P.O. Box 70098, Rochester Hills, MI 48307.

Respectfully submitted,

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## **Appendix A**

Claim 1. (Previously Presented) An interior light assembly for motor vehicles, the interior light assembly comprising:

a frame having a frame opening and defining an interior of the interior light assembly;

at least one lens connected to the frame and filling out the frame opening:

at least one illumination element and at least one electroluminescent film arranged within the area of the frame opening behind the at least one lens in the interior of the interior light assembly so that light emitted by the at least one illumination element and the at least one electroluminescent film passes from the interior through the at least one lens arranged in the frame opening for illuminating a vehicle interior.

Claim 2. (Previously Presented) The interior light assembly according to claim 1, wherein the at least one electrluminescent film is attached to a backside of the at least one lens facing the interior of the interior light assembly.

Claim 3. (Previously Presented) The interior light assembly according to claim 1, wherein the at least one electroluminescent film ahs a contour identical to a contour of the at least one lens.

Claim 4. (Previously Presented) The interior light assembly according to claim 1, wherein the frame surrounds the at least one lens.

Claim 5. (Previously Presented) The interior light assembly according to claim 1, wherein a first one of the at least one lens is correlated with the at least one illumination element and a second one of the at least one lens is correlated with the at least one electroluminescent film.

Claim 6. (Previously Presented) The interior light assembly according to claim 5, wherein the first lens for the at least one illumination element is smaller than the second lens for the at least one electroluminescent film.

Claim 7. (Previously Presented) The interior light assembly according to claim 5, wherein the first lens for the at least one illumination element has a backside facing the interior of the interior light assembly and provided at least partially with at least one optic.

Claim 8. (Previously Presented) The interior light assembly according to claim 7, wherein the at least one optic is comprised of serrations or corrugations.

Claim 9. (Previously Presented) The interior light assembly according to claim 1, wherein the at least one illumination element is an incandescent light bulb.